

Notice of Allowability

Application No.

10/737,039

Examiner

Robert J. Sandy

Applicant(s)

LEE ET AL.

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the phone interview and Examiner's amendment of 6/27/2005.
2. ☒ The allowed claim(s) is/are 6.
3. ☒ The drawings filed on provided with this communication are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>with this paper</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>approved drwg sheets</u> . |

Robert J. Sandy
Primary Examiner
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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter J. Gluck (Reg. No. 38,022) on 27 June 2005.

The application has been amended as follows:

Re. the claims:

Claims 1 through 5 have been canceled.

Claim 6 has been added, as to the following:

The claim
6. A shoe lace for drawing and fixing together two different edges, comprising:
a lace body having a longitudinal length and at least two opposing sides; the lace body further including a plurality of discrete apertures disposed therethrough and along the longitudinal length, and an end cap device having a smooth outer finish, which the end cap passes readily through each of said plurality of discrete apertures without becoming frictionally engaged within any of said plurality of discrete apertures, thereby permitting said lace body to engage said discrete apertures for drawing and fixing together the two different edges.

Re. drawings:

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Three replacement drawing sheets replacing the three originally filed drawing sheets have been approved for entry as formal drawings. The changes include "Prior Art" labels to Figs. 1 through 5. Copies of the three replacement drawing sheets have been provided with the mailing of this communication.

REASONS FOR ALLOWANCE

Claim 6 is allowed over the prior art of record.

The indication of allowable subject matter, indicated in the prior Office action mailed 1 February 1st, 2005, has been revised, as set forth below.

The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest a shoe lace having the structural combination requiring the lace body to include a plurality of discrete apertures disposed through the lace body and along the longitudinal length, and an end cap device having a smooth outer finish, which the end cap passes readily through each of the plurality of discrete apertures without becoming frictionally engaged within any of the plurality of discrete apertures, thereby permitting said lace body to engage ^{a plurality of} said discrete apertures for drawing and fixing together the two different edges.

9/11/06

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER'S COMMENT

In view of the Examiner's amendment provide herein canceling claim 1, the objection to claim 1, indicated in the prior Office action, has been withdrawn.

In view of the Examiner's amendment approving the replacement drawing sheets, the objection to the drawings, indicated in the prior Office action, has been withdrawn.

In view of the cancellation of claims 2-5, the claim rejection(s) under 35 USC §112, first paragraph, indicated in the prior Office action, has been withdrawn.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference to U. S. Patent No. 5,996,256 (Zebe, Jr.) shows a shoe lacing having apertures 24 therethrough and a gripping means 69 and a metallic tip 68 on the end of the lacing.. A stud member 46, which is attached to the shoe upper 13, being selectively inserted through one of the apertures 24 for securing the lacing to the upper. However, Zebe, Jr. ('256) fails to at least teach or suggest wherein the end of the lacing passes readily through each of the plurality of discrete apertures without becoming frictionally engaged within any of the plurality of discrete apertures. Furthermore, there is no suggestion to remove the gripping means 69 from the end of the lacing. Zebe, Jr. ('256) requires gripping means 69 "to be included instead of or in addition

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to the tip means 68.” (col. 7, line 26) in order to facilitate gripping of the lacing ends and pulling the lacing through the receiving slots of the cleats 40, 42 for tensioning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, J.J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY
PRIMARY EXAMINER**

Approved as formal; C. J. 4-28-2005

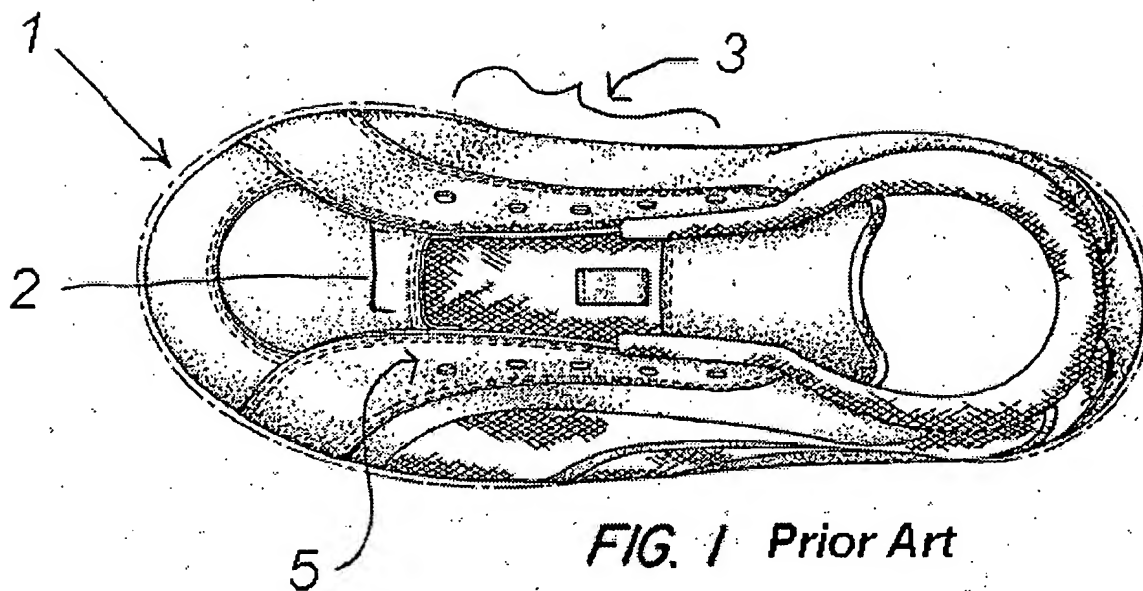
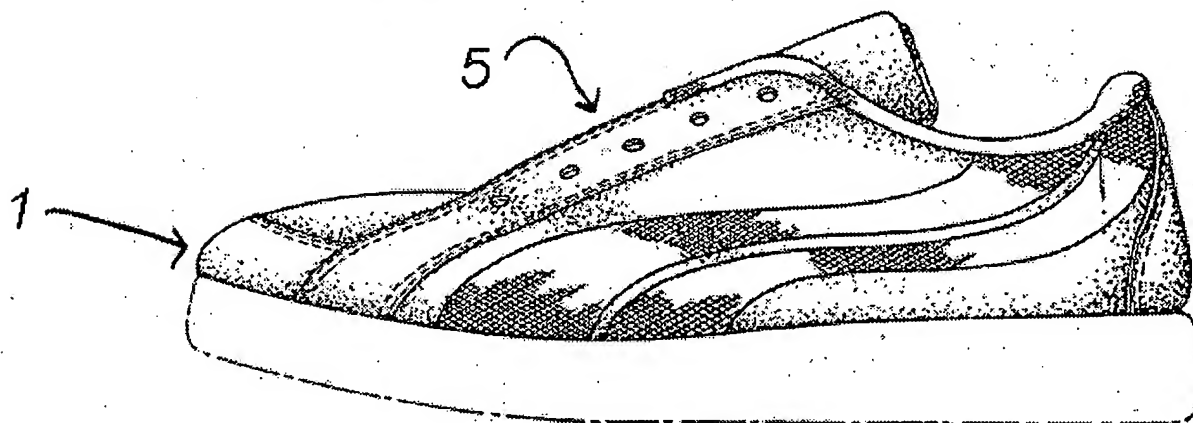


FIG. 1 Prior Art



Prior Art FIG. 2

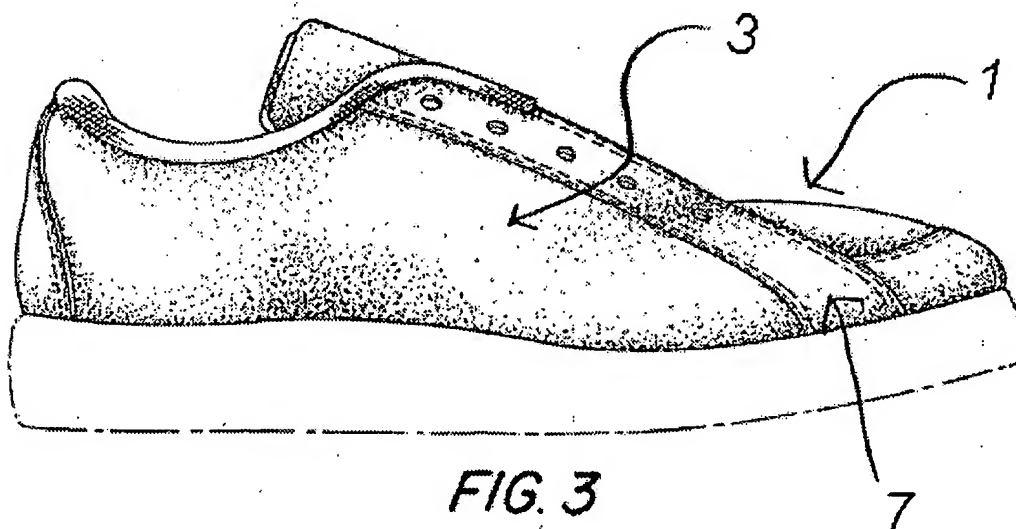


FIG. 3
Prior Art

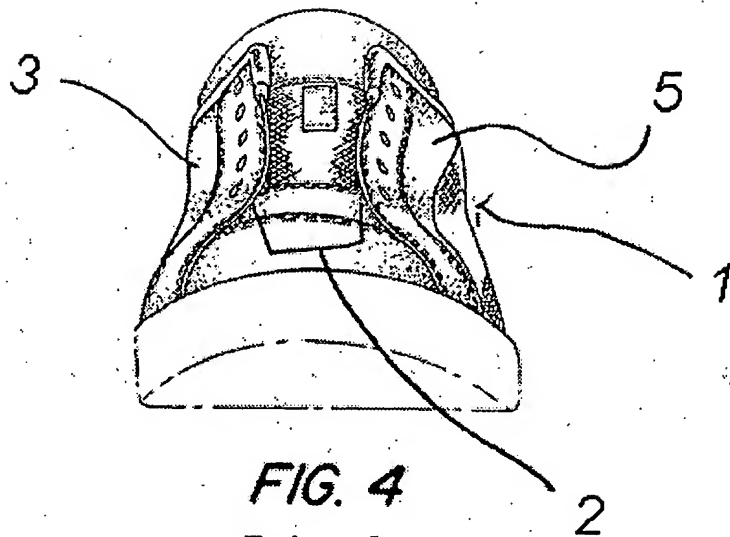


FIG. 4
Prior Art

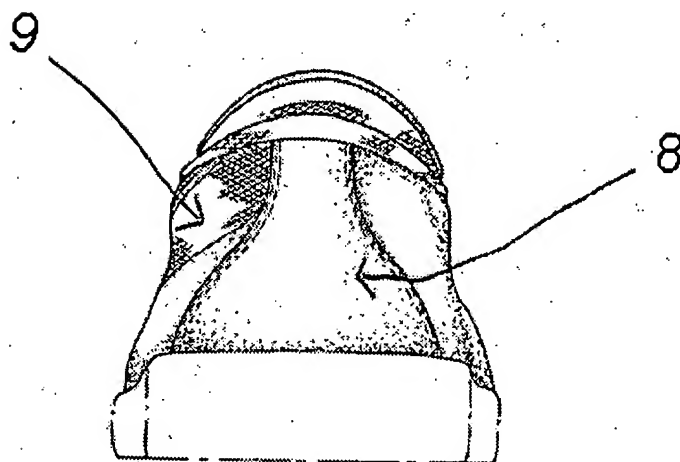


FIG. 5
Prior Art

